

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

20-cr-0373 (LAK)

NZELO OKAFOR,

Defendant.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge.*

Before the Court is defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1) and (c)(2).

On September 29, 2021, the defendant was sentenced principally to a term of imprisonment of 78 months. On December 20, 2023, defense counsel moved for a reduction of sentence. On January 24, 2024, the Probation Office completed a Supplemental Presentence Report indicating that the defendant is not eligible for a sentence reduction under the terms of Amendment 821. On January 26, 2024, the Government submitted a letter to the Court reiterating that the defendant does not qualify for a sentence reduction under Amendments 821 or 814.

The Court has considered the record in this case and the submissions of the parties and the Probation Office. The Court finds that the defendant is ineligible for a sentence reduction under Amendment 821 to the Sentencing Guidelines because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence, and because the defendant does not have zero criminal history points. In addition, the Court finds that the defendant is

ineligible for a sentence reduction under Amendment 814 to the Sentencing Guidelines because the amendment did not have a retroactive effect and the Court has already considered and denied the defendant's motion for compassionate release (Dkt 51).

It is hereby ORDERED that the defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1) and (c)(2) is denied.

SO ORDERED.

Dated: ~~January 29~~, 2024

Feb. 2



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Lewis A. Kaplan  
United States District Judge